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w/ order
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SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FILED
2018 OCT -1 PM 3:58
DEPUTY CLERK *CA*

UNITED STATES OF AMERICA, *ex rel.*
THOMAS KENJARSKI, M.D.,

Plaintiffs,

v.

U.S. ANESTHESIA PARTNERS, INC., *et*
al.,

Defendants.

Civil Action No. 3:17-CV-01713-D

FILED IN SEALED CASE

UNITED STATES OF AMERICA'S NOTICE OF CONSENT TO DISMISSAL
OF CASE UNDER THE FALSE CLAIMS ACT

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States of America (United States) notifies the Court of its consent to dismissal, without prejudice as to the United States, of this *qui tam* case.

1. Relator filed this case on behalf of the United States under the *qui tam* provisions of the False Claims Act on June 28, 2017. On October 1, 2018, Relator filed a Notice of Voluntary Dismissal, whereby he voluntarily dismissed the False Claims Act case, noting the dismissal was without prejudice as to the United States.

2. The United States consents to the dismissal of this case without prejudice as to the United States.

3. The United States requests that only the Complaint, this consent, and the Court's accompanying Order be unsealed.

4. A proposed Order accompanies this Notice.

Respectfully submitted,

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Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2018, a copy of the foregoing pleading and proposed Order were mailed by first class mail to counsel for relator:

Christopher A. Payne

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ORDER

The United States of America (United States) having consented to Relator's Notice of Voluntary Dismissal of this case pursuant to 31 U.S.C. § 3730(b)(1), the Court rules as follows:

IT IS HEREBY ORDERED that this case is hereby dismissed without prejudice as to both the United States and Relator.

IT IS HEREBY ORDERED that the Complaint, the United States Consent to Dismissal, and the Court's accompanying Order be unsealed.

SO ORDERED.

Dated this ____ day of October, 2018.

HONORABLE SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE